

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KAREN PETERSEN,

Plaintiff,

v.

CASE NO. 8:19-cv-2360-T-02JSS

THE FRESH MARKET, INC., *et al.*,

Defendants.

**ORDER REMANDING FOR
LACK OF
SUBJECT MATTER JURISDICTION**

Before the Court is Plaintiff's Amended Motion to Remand (Dkt. 31). After careful consideration of the motion, the prior submissions of the parties, and the entire file, the Court grants the motion.

There is no diversity of citizenship among the parties. Plaintiff is a citizen of Florida, and Defendant The Fresh Market, Inc. is a Delaware corporation with its principal place of business in North Carolina. Dkt. 13 ¶¶5. 6. Although unknown at the time of the initial filing of the notice of removal, the citizenship of the Defendant "Unknown Store Manager" is now known. The complaint was amended to name as a defendant Mary Murray, who shares the same citizenship as the Plaintiff —Florida. Dkt. 24 ¶2 (Amended Complaint). Original jurisdiction is

destroyed where the plaintiff and one of the defendants are citizens of the same state. 28 U.S.C. § 1332(a); *Castelli v. Target Corp.*, No. 8:19-cv-1206-T-36AAS (M.D. Fla. Nov. 12 and 13, 2019) (orders at dockets 20 and 21) (remanding to state court once “Unknown Store Manager” was located and named in an amended complaint).

It is therefore **ORDERED AND ADJUDGED** that the Amended Motion to Remand (Dkt. 31) is granted. The case is remanded to the Circuit Court of the Twelfth Judicial Circuit, in and for Manatee County, Florida. The Clerk is directed to effect remand and thereafter close this case and terminate any pending motions and deadlines.

DONE AND ORDERED in Tampa, Florida, on December 11, 2019.

s/William F. Jung

WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record